

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 4209 OF 2021

Vinod Banhayalal Trivedi @
Vinod Kanhayalal Trivedi
v/s.

.... Applicant

The State of Maharashtra

.... Respondent

Mr. Nitin Gangal i/b. Mr. N.M. Nadar for the Applicant.
Ms. P.N. Dabholkar, APP for the State.

CORAM : G.A. SANAP, J.

DATED : 22nd DECEMBER, 2023.

P. C. :-

. This Bail Application is disposed by a separate order passed today. By order dated 04/12/2023, the Incharge of the FSL, Kalina, Mumbai was directed to file affidavit and place on record the reasons for delay in analysis of the samples.

2. It is noticed that in large number of criminal cases, the reports of analysis of the samples are awaiting. In the bail application, failure to file the reports of analysis is pleaded as ground for bail. It is also noticed that the charge sheets in large number of criminal cases are filed without CA reports. The accused in large number of cases are languishing in jail. It is noticed that for want of the CA reports, the trial courts are handicapped. In a criminal case, charges cannot be

framed without CA report of analysis of sample.

3. In order to know the reasons for delay, the affidavit by the Incharge of the FSL, Kalina was directed to be filed. Now the affidavit has been filed. The chart in the affidavit indicates the sanctioned posts, filled up posts and the vacant posts of Class (I), Class (II), Class (III) and Class (IV) in the Forensic Science Laboratories in the State of Maharashtra. The chart indicates that 50% sanctioned posts are lying vacant. It is stated in the affidavit that the vacant posts of CA and Support Staff is the main reason for delay in analysis of the samples all over the State of Maharashtra.

4. The Director of the Forensic Science Laboratories, Home Department, Maharashtra, Mumbai is the Incharge of the Forensic Science Laboratories all over the State of Maharashtra. In her affidavit, she has stated about the steps taken on her part for filling up the vacancies. The affidavit filed by the Director, FSL, Mumbai clearly indicates that for want of sufficient staff, the Department is handicapped. It is stated that the Home Department, Government of Maharashtra where the proposals are pending, is responsible to take further steps for filling up vacancies.

5. Considering this serious factual position brought to the notice of the Court, it would be appropriate to direct the Director, FSL, Kalina, Mumbai to pursue the matter with the Home Department, State of Maharashtra on urgent basis. The Additional Chief Secretary, Home Department, Government of Maharashtra shall look into the matter and see that concrete efforts are made to fill up vacant posts. Compliance be submitted to this Court before **28/02/2024**.

6. The Affidavit, Additional Affidavit and the annexures are taken on record and marked as 'Article A' collectively. The copies of the Affidavit, Additional Affidavit and the annexures be forwarded to The Additional Chief Secretary, Home Department, Government of Maharashtra with this order for taking necessary steps.

7. Stand over to **28/02/2024** for Compliance Report.

(G.A. SANAP, J.)

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